

REMARKS

Initial Comments

Applicant's undersigned representative understands that Group 1640 is conducting a Fax Response Pilot for Written Restriction Requirements. Applicant's undersigned representative is willing to participate in the Pilot and transmits this Fax Response using the facsimile cover sheet provided in the Office Action dated October 30, 2000.

Restriction Requirement

The Examiner divided the pending claims into six groups and requested election of a single group for examination at this time. Applicant Provisionally Elects to examine the claims of Group V, with traverse.

All of the pending claims have a common theme in that the identification, use, making, formulation or detection of autoantigenic fragments, or the fragments per se, are claimed. The autoantigenic fragments link all the claims together. Therefore, it is believed that the Examiner is incorrect to state that a search of the claims as grouped would not be co-extensive and would constitute a serious undue burden on the Examiner. The claims could be searched co-extensively by focusing on the autoantigenic fragments instead of dividing the claims according to use, making, detection, etc., of the autoantigenic fragments. Since the claims could be searched together without imposing a serious undue burden on the Examiner, the claims should be examined together.

Moreover, it is believed that the Examiner took a limited view of the scope of the invention described and claimed in the present application by stating that there are multiple inventions to search.

Finally, it is believed that the Examiner is incorrect to state that the groups of claims have acquired separate status in the art because of divergent subject matter. The autoantigenic fragments are a common theme and the invention is claimed as the use, making, detection, formulation, identification and the autoantigenic fragments per se. It is only by skipping over the central theme and dividing the claims according to the facets of the invention that the claims can be grouped as presented by the Examiner.

Therefore, Applicant believes that the Requirement for Restriction is improperly presented in this case and casts a serious undue burden on the Applicant should the Applicant be required to prosecute all six groups of claims in separate applications.

Telephone Conference

Applicant invites the Examiner to contact Applicant's undersigned attorney to discuss the claims if such discussion could further the prosecution of this application.

CONDITIONAL PETITION

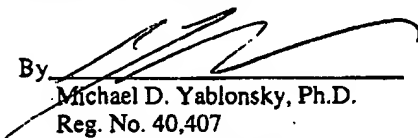
Applicant hereby makes a Conditional Petition for any relief available to correct any defect in connection with this filing, or any defect remaining in this application after this filing. The Commissioner is authorized to charge deposit account 13-2755 for the petition fee and any other fee(s) required to effect this Conditional Petition.

CONCLUSION

In view of the foregoing remarks, it is believed that the grounds of the Requirement for Restriction are inappropriate in this case and all the claims should be examined together. However, Applicant makes a Provisional Election to examine the claims of Group V.

Respectfully submitted,

By


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